Calendar No. 181

102D CONGRESS
1st Session

SENATE

REPORT
102-119

NATIONAL ATOMIC MUSEUM ACT OF 1991

JULY 25 (legislative day, JULY 8), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 477]

The Committee on Energy and Natural Resources to which was referred the bill (S. 477) to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, New Mexico, as the official atomic museum of the United States Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation, having considered the same reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Beginning on page 6, line 3, strike all of subsection (b) and insert in lieu thereof the following:

(b) VOLUNTEERS.—The following provisions govern the use of volunteers

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

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PURPOSE OF THE MEASURE

The purpose of S. 477, as ordered reported, is to afford Congressional recognition of the National Atomic Museum in Albuquerque, New Mexico, as the official atomic museum of the United States Government.

BACKGROUND AND NEED

The National Atomic Museum was established in 1969 at Kirtland Air Force Base in Albuquerque, New Mexico. The museum, which has been operated by the Department of Energy since 1976, provides a comprehensive repository of unclassified information relating to the development of nuclear technology, including the development of nuclear weapons and commercial nuclear energy programs. Included in the museum's collection are the full-scale cases of "Little Boy" and "Fat Man," the two atomic bombs used at the end of World War II, along with exhibits featuring missile systems, atomic weapon delivery systems and informational displays on energy systems. Last year, the museum's attendance exceeded 200,000 visitors.

LEGISLATIVE HISTORY

S. 477 was introduced by Senators Domenici and Bingaman on February 22, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on June 20, 1991.

At the business meeting on July 17, 1991, the Committee on Energy and Natural Resources ordered S. 477, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 17, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 477, if amended as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici*	
Mr. Murkowski	
Mr. Nickles	

Mr. Burns
Mr. Craig
Mr. Seymour
Mr. Garn

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 477, the Committee adopted an amendment clarifying the use of volunteers at the museum. The amendment was recommended by the Department of Energy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "National Atomic Museum Act of 1991."

Section 2 contains the Congressional findings and purposes.

Section 3 states that the National Atomic Museum "is recognized as the official atomic museum of the United States with the sole right throughout the United States and its possessions to have and use the name 'National Atomic Museum'.".

Section 4 sets forth the museum's mission, which is to provide for the benefit and education of the public a central repository of information reflecting the Atomic Age, with special emphasis on the history of nuclear weapons and other areas of research, development and production conducted by the laboratories and facilities of the Department of Energy.

Section 5(a) provides that the museum shall continue to be operated at its present site on Kirtland Air Force Base in Albuquerque, New Mexico, and shall continue to be operated and managed by the Department of Energy.

Subsection (b) details guidelines for the use of volunteers at the museum.

Subsection (c) lists several activities the museum may engage in, including acceptance and use of money or gifts on behalf of the Secretary of Energy, in accordance with the specified provisions of paragraph (1); operation of a retail outlet at the museum to sell mementos and other memorabilia; exhibit and display information; and conduct other activities reasonably pertinent to the normal and customary activities of museums.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 477, as ordered reported by the Committee on Energy and Natural Resources on July 17, 1991. CBO estimates that enacting S. 477 would not have any significant impact on the federal

budget, and would not have any impact on the budgets of state and local governments. The bill would not affect direct spending or receipts, so there would be no pay-as-you-go scoring pursuant to the Budget Enforcement Act of 1990.

The bill would recognize the National Atomic Museum, located in Albuquerque, New Mexico, and operated by the Department of Energy (DOE), as the "official atomic museum of the United States."

In addition to affording this Congressional recognition of the National Atomic Museum, S. 477 would provide DOE with additional flexibility for using volunteers in the museum, for accepting donations intended for the museum, and for operating a retail outlet on the premises to sell mementos, literature, and other materials relevant to the contents of the museum.

The museum's operating mission would remain unchanged, and its annual cost of operation would be largely unaffected by S. 447. Currently, annual operating costs are less than $500,000 per year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Pete Fontaine.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 477. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 477, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 6, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of Energy and the Office of Management and Budget setting forth executive views on S. 477. These reports had not been received at the time the report on S. 477 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of Energy at the Subcommittee hearing follows:

STATEMENT OF MARK C. SCHROEDER, DEPUTY GENERAL COUNSEL, DEPARTMENT OF ENERGY

Introduction

Good morning Mr. Chairman and members of the Committee. I am Mark C. Schroeder, Deputy General Counsel for Energy Resources and Legislation for the Department of Energy. I am pleased to appear before you today to express the Department's

general support of S. 477, which would recognize the National Atomic Museum in Albuquerque, New Mexico, as the official atomic museum of the United States Government, and to suggest some minor amendments to the bill.

Overview and History

Since 1976, DOE has been supporting and operating the National Atomic Museum, which is located on Kirtland Air Force Base in Albuquerque, New Mexico. The purpose of the museum is to acquire and preserve materials and memorabilia relating to nuclear science, atomic energy, and atomic weapons which mark major events and milestones of America and world history. Major museum exhibits feature missile systems representing every branch of the military, atomic weapons shapes and delivery systems, a B–52 airplane, a group of informational displays on energy systems and displays on storage and transportation of nuclear waste. The museum serves as an important educational resource for students, scholars, and the general public. The museum is open seven days a week and serves approximately 200,000 visitors annually.

S. 477 would ensure preservation of the museum, support its continuing operation and maintenance, and provide a basis for improvement through contributions from the public. S. 477 would recognize the museum as the country's official atomic museum and would clarify the authority of the Secretary of Energy to accept gifts and donations to the museum to be used for museum purposes. The bill would provide a statutory basis to authorize and encourage the use of volunteer personnel services in support of the museum and would permit the selling of appropriate mementos to benefit the museum.

The Department suggests that minor changes be made to the language of Section 5(b) relating to the use of volunteers at the museum, and I have attached to my testimony a redraft of this subsection. The redrafted section clarifies the use of volunteers and further protects the interests of the museum. The proposed language substitutes the word "individual" for the word "person" to make it clear that no corporation or contractor could be considered as a volunteer. Volunteers are also made subject to laws governing potential conflicts of interest of Federal employees. Finally, the incidental expenses which the Department of Energy may provide to volunteers are narrowed to include only nominal awards, uniforms and transportation.

I will be glad to answer any questions the subcommittee may have.

ATTACHMENT—PROPOSED REVISION OF SECTION 5(b) OF S. 477

(b) VOLUNTEERS.—The following provisions govern the use of volunteers:

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

(6) For the purposes of chapter 11 of title 18 of the United States Code, relating to conflicts of interest, a volunteer under this subsection is considered a special Government employee of the United States.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 477, as ordered reported.

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